

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.189 OF 2021

THE COMUNIDADE OF
MURDA, THR. ITS
ATTORNEY, MARIA
TERZINHA J. MONTEIRO.

..... Petitioner.

Versus.

THE STATE OF GOA, THR.
ITS CHIEF SECRETARY
AND 39 ORS.

.... Respondents.

Mr. Nigel Costa Frias, with Mr. Pacheco Bazilio, Advocates for the
Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. P. Arolkar, Addl. Govt.
Advocate for Respondents No.1 to 5.

Coram : M.S. Sonak &
Smt. M.S. Jawalkar, JJ.

Date : 19th April, 2021.

P.C. :

Heard Mr. Nigel Costa Frias for the Petitioner.

2. The Petitioner seeks interference with the Award dated 3/10/2013, made by the Land Acquisition Officer to the extent it apportions 60% of the compensation to the Tenants and only 40% to the Petitioner, who claims to be the land owner.

3. The record indicates that after the Award dated 3/10/2013 was made, the Petitioner had applied for a reference under Section 18

of the Land Acquisition Act, 1894 (said Act). Now, the provisions of Section 18 of the said Act are wide enough and even encompass a dispute as regards apportionment of compensation. However, it appears that no such dispute was raised before the Reference Court. Besides, there is nothing on record to indicate that the Petitioner applied for a reference under Section 30 of the said Act in the context of apportionment of compensation.

4. There is no explanation as to why this Petition has been instituted almost 8 years after the impugned Award dated 3/10/2013 was made. The dispute regarding apportionment cannot, normally, be gone into by this Court in exercise of its extraordinary jurisdiction under Articles 226 and 227 of the Constitution. In any case, such disputes cannot be gone into after such an inordinate and unexplained delay.

5. Mr. Costa Frias submits that there are certain fresh acquisitions and it is possible that the apportionment ratios are maintained with regard to such fresh acquisitions, as well. Since, the issue of apportionment made in the impugned Award dated 3/10/2013 was not really adjudicated upon by any of the authorities, we grant the Petitioner liberty to raise such issue in case of any fresh acquisitions. Such an issue, if raised, will have to be considered and decided by appropriate authorities on its own merits. However, in so far as the apportionment made in the impugned Award dated

3/10/2013 is concerned, the same warrants no interference at this stage and in the light of the aforesaid circumstances.

6. This Petition is, accordingly, not entertained. But, liberty is granted to the Petitioner in the aforesaid terms.

Smt. M.S. Jawalkar, J.

M.S. Sonak, J.

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